



**State of New Jersey**

**DEPARTMENT OF HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**CN 712**

**TRENTON, NEW JERSEY 08625**

**(609) 588-2600**

ALAN J. GIBBS  
Commissioner

SAUL M. KILSTEIN  
Director

**MEDICAID COMMUNICATION NO: 93-5**

**DATE: February 2, 1993**

**TO: County Welfare Agency Directors**

**SUBJECT: Enhanced Division of Medical Assistance and Health Services  
Authority to Recover Correctly Paid Benefits from the Estates of  
Deceased Medicaid Recipients**

Public Law 1992, Chapter 115, signed into law by Governor Jim Florio on October 21, 1992, amends N.J.S.A. 30:4D-7.2a by restoring DMAHS's authority to recover benefits from the estate of a deceased Medicaid recipient which were correctly paid on his behalf after he attained the age of 65. This authority now applies as long as there is no surviving spouse or children who are under age 21 or who are blind or permanently and totally disabled.

Before enactment of this law, and as a result of the New Jersey Supreme Court's decision in the case of Merker v. DMAHS, DMAHS was barred from seeking such recoveries if there was either a surviving spouse or a surviving child, irrespective of the child's age or medical condition. The requirements in N.J.S.A. 30:4D-7a that DMAHS's claim must be at least \$500 and the estate valued at \$3,000 or more remain unchanged, although the new law clarifies that the \$3000 threshold refers to the value of the gross estate.

Questions concerning this new legislation should be referred to Leon R. Bartol, Chief, Bureau of Administrative Control at 609-588-3034.

Sincerely,

Saul M. Kilstein  
Director

SMK:Br

c Marion E. Reitz, Director  
Division of Family Development  
Nicholas R. Scalera, Director  
Division of Youth and Family Services

*New Jersey Is An Equal Opportunity Employer*